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Reception

Justice Juanita Bing Newton*

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Abstract

Justice Juanita Bing Newton, Deputy Chief Administrative Judge for Justice Initiatives for the State of New York, welcomes participants to a reception. She described her position and her role in spearheading access to justice initiatives in New York.

RECEPTION

APRIL 7, 2000

SPEAKER: Justice Juanita Bing Newton, *Deputy Chief Administrative Judge for Justice Initiatives, New York*

Good evening, everyone.

Let me make some assurances. Since there are mostly lawyers here, I am sure you would like to know what the ground rules are, right? Let me tell you my first rule. My first rule is that I am going to scrap the speech I prepared because I think, under the circumstances, with this long, wonderful, informative, friendly day, the better thing to do would be to offer my reflections. In truth, that is really more consistent with what I do. My staff will tell you, I harass them to write speeches for me, to type speeches for me, and then they say, "Judge, you never give those speeches." Why should this be any different?

Secondly, I want to send greetings to you from the New York State Judiciary and our Chief Judge. It is always nice for people to come and visit us. I know some of you are going to actually be joining us at the courthouse at 100 Centre Street next week. If others would like to sign up, you are all welcome. I think we can provide good insight into our courts and so I extend that courtesy and that hand of fellowship.

I would now like to talk a little bit about my position. Maria asked me to spend a few minutes on what it is I do as the Deputy Chief Administrative Judge for Justice Initiatives. At a recent Black History Month program, one of the justices, in introducing me, said the following: "Judge Newton has a new job that permits her to do whatever she wants to do, whenever she wants to do it." And I said, "Can I get that one in writing?"

Obviously, it is not quite that broad, but any time you are beginning a new initiative, there are always questions about what the role is—the who, what, when, where, and why. I am talking like a reporter, because I just came off the road from the court system's Media Day events where we were engaged in dialogue with members of the media to ensure, among other things, that they accurately educate people about what it is we do. As a result, I am in a generalist mode. But it is nice to be home. Last

week I was in Buffalo, Syracuse, the Bronx, Albany, Rochester, and other points. And it is really nice to land here.

My position was created in July of 1999, because the Judiciary—the Chief Judge, the Chief Administrative Judge, and the Administrative Board of the Courts—decided that we had to contribute in an important way to an issue as important and fundamental as access to justice for all New Yorkers. It was consciously decided to fit this position into the hierarchy of the courts. And it truly is a hierarchy! When I began working in the court system in 1985, I went home to my mother, and I said, “You know, I’ve finally found use for my study of the Holy Roman Empire. It looks like the Office of Court Administration.” But it was important to put this position at the highest level of the Judiciary so that it sends the message that we are serious, that the issue of justice and access to justice for people is at the heart of what we do and who we are as the Judiciary. So that is my mission—to provide leadership for the courts as we develop and ensure access to justice for all people in New York.

“Why me?” That was my question to Judge Kaye when she asked me to take on the position. I will say that to you too: “Why me, particularly because I do not really have a civil legal services background.” I was a prosecutor for many years. I did some work with a legislative committee for a while. I also was an Office of Court Administration functionary. I say “not really” because I did, however, spend a few months way back when, and I am not going to say what year, with the Legal Aid Society. Also, because my first courtroom as a criminal judge was sandwiched between two Housing Court parts, and because, to be very candid, if you grow up in America as I did, poor, black, and in the South Bronx, unfortunately, you know what it means to be skeptical about justice in America and to question how we treat our fellow human beings. And so I come to the position with broad life experience.

With the new position, we embark on developing programs with a new view. One of the speakers talked about thinking out of the box, and I guess I think out of the box, and I was thinking about how do we eliminate barriers to justice.

I tell the story—a lot of my stories resonate around my dad, who was my hero. My father grew up in the Jim Crow south uneducated, because they didn’t educate colored people at that

time, and poor. But he put three kids through college. He loved my mother until the day she died. That was sixty-one years. He taught us values. When I speak about domestic violence, I say, "I don't get that." I never saw my parents fight, never in all the years that they were together. And he taught me about perseverance.

I talk a lot about how we have to look at what we see in our system and eliminate barriers to justice, and I say to the courts when I speak to them, "What is an example of a barrier to justice?" When I was ten in 1960, around the famous Kennedy/Nixon election, I asked my dad, "Why don't you vote?" My mother was very active—she was in the polls and in the party—but my dad never went to these things. He said he was not registered to vote. I said, "Well, what does that mean?" My mother explained to me that in order to register you had to have a sixth-grade diploma or pass a literacy test. My dad said, "I don't have a sixth-grade diploma, and I don't want to take the test." So I, as only a ten-year-old daughter of a doting father could do, convinced him to study with me, of course as his teacher, for this literacy test. He passed; I believed he would pass because at ten years old you do not understand the notion of failure.

Now I can reflect on what an enormous responsibility and burden I put on that poor man's shoulders, the possibility that he would fail. He was between a rock and a hard place. He died a couple months ago, and I carry his voting card around with me as an example of what we put people through to limit who can have access to justice. Clearly, we did not have to require artificial qualifications to vote.

I sometimes tell court administrators to look at the court system and try to decide which procedures and requirements are really needed and which serve as barriers to justice. Those barriers can be brought down. We created the barriers after all. Someone also created the laws. But we are somebody too, and we can take a critical look. That is one of my responsibilities—to take a critical look.

I am trying to work with members of the community to provide stable sources of funding for civil legal services. I picked up the newspaper and it said that the proposed rate increases for criminal attorneys for poor people are not going to pass. The legislature says they are not going to provide funding for pay

increases this year, and I say, "That is all right." I am not dismayed. It is going to happen, if not this year, next year. It has been fourteen years since we raised the payment rates for those men and women who provide criminal defense work, and sometimes change is slow.

I was reflecting a couple of weeks ago about an exhibit on lynching that was shown here in New York. There was a time when we lynched people, typically poor people and black people. When I saw that exhibit, I thought once again about my dad. Why? Because we come from a huge family, and a couple of years ago we went to a family reunion at the old family homestead, which was a place that they lost through eminent domain to create the Savannah River Project.

Is anyone familiar with that? The Savannah River Project is by the Savannah River between South Carolina and North Carolina. My family was moved off their land in order to build the Savannah River plant, which is the site for creating atomic weapons. The government now lets people who can prove that their ancestors lived there go back to that location to visit.

During the visit to the old family homestead, I sat next to my father; it was wonderful for him to point out landmarks. We got to one landmark, and he leaned over to me—we were in the bus—and he got very solemn. He said, "I remember this area and those trees." I said to myself, "Well, why would he remember this tree?" It looked liked every other tree that I saw. I'm a city kid, if it doesn't have an address, I don't remember it. He said, "That's where they used to lynch people." This had to have been many, many, many years ago, yet I still saw that fear in his face.

I saw that look when I viewed those pictures in that art gallery, and it dawned on me that there was a time when lynching was so commonplace, people would line up to take pictures with the lynched body to send as post cards to their family members and friends. That is a legacy of our country. Yet I look at everyone here, and you are shocked. The sense of shock on all of your faces is amazing to me. But there was a time when that was commonplace in America. That is the most graphic example of how we can and do change. The law helps people change, and it is with that faith that things can change that we continue to work

in our office to improve the lot and ensure access to justice for people.

We heard Dorchon Leidholdt talk about domestic violence. I remember the first domestic violence case I stood up for twenty-five years ago. We didn't have any of the programs that are available today, and none of us knew what to do with the case. All of the typical things that happened with domestic violence cases in 1975 would never happen—let me use a different phrase—should never happen in courts today; that is because change is there.

I believe that we can change dramatic things. We can change an attitude of people about funding for civil legal services and criminal defendants. That is a mission of mine. Another mission is to try to galvanize support around ancillary services, and I do call them ancillary services, *pro bono* assistance and help for the self-represented or *pro se* litigants. That is not to say we don't want more people to do *pro bono*, but we recognize that we will never be able to provide all of the resources that are needed for full access to justice solely through *pro bono* assistance and through offices of self-represented. But we are doing everything we can. We helped shepherd through the Administrative Board of the Courts the change in the Continuing Legal Education ("CLE") rules to permit partial CLE credits for people who do *pro bono*. We also have a staff person whose sole job is to coordinate and make *pro bono* something that people want to do in New York State, as well as trying to use technology to provide information.

Lastly, my mission is to educate people. The president elect of the state bar said to me one day, "You know, Judge Newton, we did a survey of middle-income people, and we are proud to say that middle-income people—that is people earning US\$25,000-75,000—all felt that if they needed a lawyer, they could afford one." That's good to hear if you are a bar association. I said to him, "But, Mr. Hassett, you have to read the other part of the report that also said that they think that a lawyer is going to cost them US\$50 an hour, not US\$150 an hour."

Clearly, there is a problem here and we are trying to develop ways to make information available to people so that there will be the connection between those who need lawyers and lawyers who want to represent them. It is an educational process.

So we are educating the media and people from the very young to the senior citizen. We hope to have, for example, a senior day throughout the state which will bring together law schools, offices of the aging, and the Judiciary to try to continue the education process.

So when we go to the legislature in the future, we can have that body of information that would assure them that they are doing the people's will by providing access to justice. Someone said that when you talk to citizens about the country or about a state they think that we already provide for this. So we should do everything that we can and the courts should step up to do it as well.

I am sure there are points that I wanted to share with you that I have not. The closing message I want to pass on to you is that I am personally so proud that our Chief Judge thought that I was the person who would be able to do this tremendous, important job. I always wanted to be a cheerleader. I am now a cheerleader for the poor.

I took a test, nearly thirty years ago called, "Are You Literate?" that was printed in the Daily News. I said, "Hey, listen, I'm a college graduate." I figured I could pass that test, but I failed it. How would I know that if you lose your job and want to get unemployment, you go to the Department of Labor, not to the Department of Unemployment. First of all, there is no such thing as the Department of Unemployment, but that is almost like a trick question. I thought it was unfair.

Now, the question is, "Do I need a lawyer to help me do that, or do I need information to help me do that?" That was the whole tenor of our discussion in our small group. It is a tough question. My answer is that we need to be sure that people get the information they need.

My dad needed some help last year. I took time off from work because every time I called a group that I thought could answer the question about what to do with an eighty-five-year-old blind man, they could not. So I took off from work, and I said, "I'm college educated. I have a law-school degree. I can figure this out." But it took me a whole day of calling all kinds of people. I found out that he was entitled to tremendous benefits and he got them in his last days. It took me a whole eight hours. How many billable hours is that? I could not afford a lawyer to

do this for me. We have to do something so that the spirit of our forefathers in talking about justice for all—even when they didn't necessarily mean me, even when they didn't necessarily mean more poor people, even though they didn't necessarily mean the kinds of things that we now associate with justice—becomes a reality.

I think it is important for us in America, and throughout the world, to make people feel that they are respected for their humanity; that they are treated fairly because of their humanity, not because of their money and not because of their status, but because it is the right thing to do. To quote my other favorite person, I think you thought I was going to say Nietzsche or somebody like him, but no, I quote Martha Stewart: "It is a good thing."

Thank you for having me here this evening.